



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

sf

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/274,015	03/22/99	HEBERT	E 174-745

020582
PENNIE & EDMONDS LLP
1667 K STREET NW
SUITE 1000
WASHINGTON DC 20006

QM12/0525

EXAMINER

KIM, P

ART UNIT

PAPER NUMBER

3729

9

DATE MAILED: 05/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/274,015

Applicant(s)
Edmund Hebert, Christopher Cavallaro

Examiner
Paul D. Klm

Group Art Unit
3729



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-27 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Mar 22, 1999 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3729

DETAILED ACTION

1. This office action is a response to the amendment A filed on 4/5/2000.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 8-12 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Melvin (US PAT. 5,779,562).

Melvin discloses a solid core based on a first rubber material and a core out layer based on a second rubber material with different properties from the first rubber based material. An inner cover layer made from ionomer material having a first shore D from about 65 or more and an outer cover layer made from thermoset material having a second shore D from 50 or less which is less than the first shore D. The center core has a thickness from 0.787 inches to 1.378 inches. The outer core layer thickness is 1.47 inches to 1.545 inches and the inner cover layer thickness is from 0.01 inches to 0.10 inches (col. 12, lines 29-35).

Art Unit: 3729

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7, 13, 14, 16-17, 23, 24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melvin ('562) in view of Cavallaro (US PAT. 5,813,923).

Melvin teaches set forth above. Melvin also teaches a first crosslinking agent of the golf ball is Zinc Oxide which is from about 2 to about 30 parts by weight per 100 parts by weight of the rubber component and a second crosslinking agent is fatty acid component which is about 1 to about 25 parts by weight based on 100 parts rubber. However, Melvin doesn't disclosed a flexural modulus of the inner cover. Cavallaro teaches the flexural modulus of the cover layer is greater than 75,000 psi (co. 12, line 1 to col. 13, line 14). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify a multilayer golf ball of Melvin by the flexural modulus as taught by Cavallaro because the high flexural modulus of the cover provides increased initial velocity for extra distance.

6. Claims 15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melvin in view of Cavallaro, further in view of Tanaka (US PAT. 5,663,235).

Melvin, as modified by Cavallaro, meets the claimed invention but does not disclose a composition having a balata material of the outer core layer. Tanaka teaches normal composition

Art Unit: 3729

for balata cover prepared by mixing with fillers and accelerator (table 4 of col. 9 and lines 61-67 of col.10). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Melvin, as modified by Cavallaro, by balata material mixing with fillers and accelerator as taught by Tanaka for the purpose of satisfy excellent shot feel and control.

Response to Arguments

7. Applicant's arguments filed on 4/5/2000 have been fully considered but they are not persuasive.

The claimed subject matter is an article and the basis for the rejection is based on the final product and not the method of production (see MPEP 2113). Applicant's argument in regards to the material of the cover being in a castable reactive liquid state prior to manufacturing is not relevant to the final product of the golf ball. Applicant has also disclosed the alleged advantage to using a castable reactive liquid is that the outer cover layer can be made very thin (0.05 inches). However, the Melvin reference, alone and in combination, clearly points out a very thin cover layer (0.055 inches) using conventional method such as an injection molding. Examiner maintains the position taken in the first office action.

Art Unit: 3729

Conclusion

8. **THIS ACTION IS NOT FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

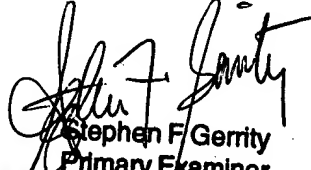
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication should be directed to Paul D. Kim at telephone number (703) 308-8356. The examiner can normally be reached between the hours of 6:30 AM to 2:00 PM Monday thru Friday.

Paul D. Kim

Patent Examiner, Art Unit 3729

May 19, 2000


Stephen F. Gerrity
Primary Examiner